

under 35 U.S.C. § 102(b) as anticipated by the Wurtz patent. Claims 5 - 7, 18 and 19 were rejected under 35 U.S.C. § 103 as being unpatentable over the Wurtz patent in view of the Thomas patent. Claims 8, 13, 15 and 16 were rejected under 35 U.S.C. § 103(a) as being unpatentable over the Wurtz patent in view of the Hsech-Pen patent.

As an overview to the present reply, Applicant has revised the original claim language in the form of new Claims 21 - 29. New independent Claim 21 incorporates the limitations of original Claim 1, along with the limitations of dependent Claims 8 and 9. Additionally, it is more clearly recited in independent Claim 21 that each of the vane members is pivotable about an axis extending in parallel relationship to the vertical support member. Dependent Claims 22 - 27 reflect the limitations of base Claim 21. Independent Claim 28 incorporates the limitations of original independent Claim 1, along with the limitations of dependent Claims 10 and 11. In particular, independent Claim 28 emphasizes the use of the line attached to each of the vanes of the respective first and second plurality of vanes. Independent Claim 29 incorporates the limitations of original Claim 14, along with dependent Claims 18 and 19. New independent Claim 29, in particular, emphasizes the use of the fixed non-pivotable panels at the end of each of the struts. Applicant respectfully contends that these features are neither shown nor suggested by the prior art patents.

} new art ✓

The Wurtz patent shows a wind power generating system. However, in the Wurtz patent, each of the vanes pivots about an axis which extends perpendicular to the vertical axis of the generator system. Also, the Wurtz patent does not show the vane members as extending in overlapping relationship. As can be seen in FIGURE 2 of the Wurtz patent, each of the vanes, when in an extended position, allows a space between the end of the adjacent vanes. When in an angled at an opened position, a larger space will reside between the respective ends of the particular vanes.

✓ new art

The Hsech-Pin patent describes a windmill. However, like that of the Wurtz patent, each of the vanes of the Hsech-Pin patent have an axis which extends perpendicular to the vertical support member. This is in contrast to the present invention, as now defined by independent Claim 21, in which the vane members are pivotable about an axis extending in parallel relationship to the vertical support member. In the structure of the Hsech-Pin patent, it does not appear that the vane members are actually in an overlapping relationship, but, rather, extend in close end-to-end relationship.

Applicant respectfully contends that the structure of the present invention, as defined in independent Claim 21, offers advantages neither shown nor suggested by the combination of the Wurtz and Hsech-Pin patents. In particular, in the original specification on page 7, lines 8 - 12, it is stated that:

It has been found that this transverse relationship between the plane of the respective struts of the arm assembly 14 increases the power associated with the rotation of the arm assembly 14 around the vertical support member 12.

Additionally, and furthermore, the overlapping relationship of the vane members also captures a maximum force, as was recited in the original specification on page 8, lines 16 - 19 as follows:

Since the vane members 40, 56, 58 and 60 are in overlapping relationship, the wind 80 will exert a maximum force thereagainst so as to rotate the wind power generating apparatus around the vertical support member 12.

As such, Applicant respectfully contends that the present invention, as defined by independent Claim 21 recites features and advantages that are neither shown nor suggested by the combination of the Wurtz and Hsech-Pin patents.

Dependent Claims 22 - 27 have been revised so as to depend upon independent Claim 21.

Independent Claim 28 particularly recites the line which is connected to the outer edge of the

vane members. This line is neither shown nor suggested by the Wurtz patent. As can be seen in FIGURE 1 of the Wurtz patent, each of the vane members is pivotable about an axis. There is no line connected to the outer corner of the particular vanes so that the vanes will pivot in coordination with one another. Although there is a linkage between the separate vane members, this linkage does not correspond to the use of the line, as defined by independent Claim 28, since the linkage is associated with the actual pivot axis associated with each of the vanes. The importance of the use of these lines was recited in the original specification on page 6, lines 10 - 15 as follows:

A line 34 extends between the edges of each of the vane members 18 opposite the pivot point 31. Another line 36 extends from the edge 38 of vane member 40 to the respective edges of the other vane members associated with the first plurality of vane members 18. As such, each of the first plurality of vane members 18 between the struts 28 and 30 will open and close accordingly.

Applicant respectfully contends that the limitations of Claim 18 are neither shown nor suggested by the prior art Wurtz patent.

Independent Claim 29 incorporates the limitations of original Claim 14, along with dependent Claims 18 and 19. In an effort to further distinguish the present invention from the prior art, Applicant has added the word "outwardly" so as to indicate that the first and second panels have a planar surface extending "outwardly" transverse to the plane formed between the respective struts. The Examiner has rejected the Claim 29 bases upon the combination of the Wurtz and the Thomas patent. Applicant's attorney agrees that the Thomas patent does show panels that are connected to the end of the respective struts. However, the panels in the Thomas patent are pivotable with respect to the wind direction. This is clearly shown in FIGURE 3 of the Thomas patent. In contrast, the panels associated with the present invention are "non-pivotally" affixed to the ends of the struts.

Additionally, the Thomas patent shows the panels at various angles relative to the respective struts.

However, independent Claim 29 defines these angles as being "transverse".

The importance of this structure was recited in the original specification on page 7, lines 13 - 16 as follows:

As can be seen in FIGURE 1, the vanes 56, 58 and 60 of the first plurality of vane members 18 are in overlapping relationship. In this arrangement, the vane members 40, 56, 58 and 60 will receive a maximum force of the wind impinging thereon. The first panel 52 will capture the force of the wind because of its orthogonal relationship to the overlapping vane members 40, 56, 58 and 60.

As such, the use of these particular panels is configured so as to capture a maximum force of the wind during the rotation of the wind powered generator.

As such, Applicant contends that independent Claim 29 is patentably distinguishable from the prior art.

Applicant has canceled reference to Claims 12 and 20 herein in view of the Examiner's formality objection.

Based upon the foregoing analysis, Applicant contends that independent Claims 21, 28 and 29 are now in proper condition for allowance. Additionally, those claims which are dependent upon these independent claims should similarly be in condition for allowance. Reconsideration of the rejections and allowance of the present claims at an early date is earnestly solicited. Since no new

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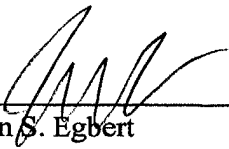
claims have been added above those originally paid for, no additional fee is required.

As such, allowance of the present application at an early date is earnestly solicited.

Respectfully submitted,

Date

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John S. Egbert  
Reg. No. 30,627  
Attorney for Applicant

Harrison & Egbert  
412 Main Street, 7<sup>th</sup> Floor  
Houston, Texas 77002  
(713)224-8080  
(713)223-4873 (Fax)